

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	NO. D-3296
)	
HAROLD N. SHEFFIELD, M.D.)	
Certificate No. A-29173,)	
)	
Respondent.)	

DECISION

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Board of Medical Quality Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on March 7, 1986.

IT IS SO ORDERED February 5, 1986.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE



MILLER MEDEARIS
Secretary-Treasurer

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of the State of California
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5 Attorneys for Complainant
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8 BEFORE THE
DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation)	No. D-3296
Against:)	
12)	
HAROLD N. SHEFFIELD, M.D.)	STIPULATION, DECISION
13 900 East Almond Ave., Suite 4)	<u>AND ORDER</u>
Madera, California 93637)	
14)	
Physician's and Surgeon's)	
15 Certificate No. A-029173)	
)	
16 Respondent.)	
)	

17
18 IT IS HEREBY STIPULATED by the parties to the above
19 entitled matter that the following is true:

20 1. Respondent Harold N. Sheffield, M.D. (hereinafter
21 "respondent") was heretofore issued physician's and surgeon's
22 certificate number A-029173 under the laws of the State of
23 California, and that at all times herein mentioned, said
24 certificate was, and now is, in full force and effect.

25 2. On or about January 22, 1985, an accusation bearing
26 number D-3296 was filed by Kenneth Wagstaff, Executive Director
27 of the Board of Medical Quality Assurance of the State of

1 California, in his official capacity as such. Said accusation
2 alleged cause for disciplinary action against respondent, and
3 said accusation is incorporated herein by reference as though
4 fully set forth at this point. Said respondent was duly and
5 properly served with accusation number D-3296 by certified mail,
6 and said respondent filed a timely notice of defense requesting
7 a hearing on the charges contained in the accusation.

8 3. Respondent has retained as his counsel, the Law
9 Offices of Baker, Manock & Jensen. Respondent has fully dis-
10 cussed with his counsel the charges and allegations of violation
11 of the California Business and Professions Code alleged in
12 accusation number D-3296 and has been fully advised of his rights
13 under the Administrative Procedure Act of the State of California,
14 including his right to a formal hearing and opportunity to defend
15 against the charges contained therein, and reconsideration and
16 appeal of any adverse decision that might be rendered following
17 said hearing. Said respondent knowingly and intelligently waives
18 his rights to a hearing, reconsideration, appeal, and to any and
19 all other rights which may be accorded him pursuant to the
20 Administrative Procedure Act regarding the charges contained in
21 accusation number D-3296 subject, however, to the provisions of
22 paragraph 6 herein.

23 4. Without admitting or denying any of the allegations,
24 respondent stipulates that for purposes only of this proceeding
25 and any other proceeding between the parties, the Division of
26 Medical Quality shall deem the following allegations in paragraphs
27 4A through 4D as if they are true and shall have jurisdiction to

1 impose the order hereinbelow:

2 A. On or about February 22, 1980, respondent treated
3 Ambrocio S. for a foreign body in the patient's right eye.

4 B. On that date, respondent observed a small
5 laceration on the upper conjunctiva of the patient's right eye,
6 washed out the patient's eye, and administered Cortisporin and
7 Gantrisin drops. A subsequent examination of the patient by
8 another physician on February 24, 1980, revealed that Ambrocio S.
9 had a intra-ocular foreign body in his right eye.

10 C. On or about February 22, 1980, respondent
11 repeatedly:

12 (1) Failed to obtain an adequate history regarding
13 the events leading to the patient's injury.

14 (2) Did not determine the patient's visual acuity.

15 (3) Did not examine the patient's pupil reaction or
16 size, lens clarity, anterior chamber and fundi.

17 D. The facts set forth in paragraphs 4A, 4B and 4C(1)
18 through 4C(3) hereinabove constitute a violation of Business and
19 Professions Code section 2234, subdivision (c).

20 5. By way of mitigation, respondent believes that he
21 acted in good faith in his treatment of Ambrocio S.

22 6. In the event that this stipulation, decision and
23 order is not accepted and adopted by the Division of Medical
24 Quality of the Board of Medical Quality Assurance of the State of
25 California, the stipulation and characterizations of law and
26 fact made by all parties herein shall be null, void and inad-
27 missible in any proceeding involving the parties to it.

1 WHEREFORE, it is stipulated that the Division of Medical
2 Quality of the Board of Medical Quality Assurance may issue the
3 following decision and order:

4 Physician's and surgeon's certificate number A-029173
5 issued to respondent Harold N. Sheffield, M.D. is hereby sus-
6 pended for one (1) year; provided, however, that said suspension
7 shall be stayed and respondent shall be placed upon probation
8 for a period of five (5) years upon the following terms and con-
9 ditions:

10 1(A). Prior to the effective date of this decision,
11 respondent shall take and pass an oral clinical examination in
12 family practice to be given by the Division or its designee.
13 If respondent does not take and pass the oral clinical examination
14 prior to the effective date of the decision, he must cease the
15 practice of medicine until this examination has been successfully
16 passed, and respondent has been so notified by the Division in
17 writing. If respondent fails the first examination, he must
18 wait three months between re-examinations, except that after
19 three failures, respondent must wait one year to take each
20 necessary re-examination thereafter. The Division shall pay the
21 cost of the first examination, and respondent shall pay the
22 costs of any subsequent examinations.

23 (B). The requirement that respondent successfully
24 pass the oral clinical examination as set forth in paragraph 1(A)
25 hereinabove shall continue to apply even if respondent serves the
26 one year suspension or completes the period of probation.

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1 (C). If the examination is not given until after
2 the effective date of the decision and where any delay is not
3 the fault of respondent, he shall be permitted to continue the
4 practice of medicine until the examination is given and until he
5 is notified that he has failed the examination. Upon said
6 notification, he shall cease practicing medicine until he passes
7 the examination.

8 2. Within 90 days of the effective date of this
9 decision, and on an annual basis thereafter, respondent shall
10 submit to the Division for its prior approval an educational
11 program(s) or course(s) related to family practice, which shall
12 not be less than 40 hours per year, for each year of probation.
13 This program(s) shall be in addition to the Continuing Medical
14 Education requirements for re-licensure. Following the
15 completion of each course, the Division or its designee may
16 administer an examination to test respondent's knowledge of the
17 course.

18 3. Respondent shall obey all federal, state and local
19 laws and all rules governing the practice of medicine in
20 California.

21 4. Respondent shall submit quarterly declarations
22 under penalty of perjury on forms provided by the Division,
23 stating whether there has been compliance with all the con-
24 ditions of probation.

25 5. Respondent shall comply with the Division's pro-
26 bation surveillance program.

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1 6. Respondent shall appear in person for interviews
2 with the Division's medical consultant upon request at various
3 intervals and with reasonable notice.

4 7. In the event respondent should leave California to
5 reside or to practice outside the state, respondent must notify
6 in writing the Division of the dates of departure and return.
7 Periods of residency or practice outside California will not
8 apply to the reduction of this probationary period.

9 8. Upon successful completion of probation, respon-
10 dent's certificate will be fully restored. If respondent vio-
11 lates probation in any respect, the Division, after giving
12 respondent notice and the opportunity to be heard, may revoke
13 probation and carry out the disciplinary order that was stayed.
14 In the event that respondent violates probation and the one
15 year suspension is imposed, following completion of the one
16 year suspension, respondent shall be prohibited from resuming
17 the practice of medicine until respondent has first successfully
18 passed the oral clinical examination described hereinabove.

19 If an accusation or petition to revoke probation is
20 filed against respondent during probation, the Division shall
21 have continuing jurisdiction until the matter is final, and
22 the period of probation shall be extended until the matter is
23 final.

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27 ///

1 DATED: November 19, 1985

2 JOHN K. VAN DE KAMP, Attorney General
3 of the State of California
4 STEVEN M. KAHN
5 Deputy Attorney General

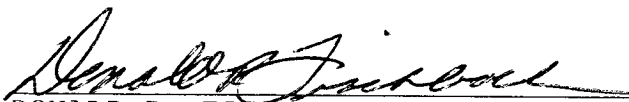
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7 STEVEN M. KAHN
8 Deputy Attorney General

9 Attorneys for Complainant

10 DATED: November 8, 1985

11 LAW OFFICES OF BAKER, MANOCK & JENSEN

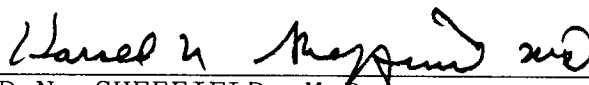
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13 DONALD R. FISCHBACH, ESQ.
14 Attorney at Law

15 Attorneys for Respondent
16 Harold N. Sheffield, M.D.

17 I HAVE READ the stipulation, decision and order. I
18 understand I have the right to a hearing on the charges contained
19 in the accusation, the right to cross-examine witnesses, and the
20 right to introduce evidence in mitigation. I have discussed
21 this stipulation and the charges contained in the accusation with
22 my counsel and my rights to hearing and defense. I knowingly and
23 intelligently waive all of these rights, and understand that by
24 signing this stipulation, I am permitting the Division of Medical
25 Quality to impose discipline against my license. I understand the
26 terms and ramifications of the stipulation, decision and order and
27 agree to be bound by all of its terms and conditions.

DATED: November 8, 1985



HAROLD N. SHEFFIELD, M.D.
Respondent

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 STEVEN M. KAHN
Deputy Attorney General
3 1515 K Street, Suite 511
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11 In the Matter of the Accusation) No. D-3296
Against:)
12)
HAROLD N. SHEFFIELD, M.D.) ACCUSATION
13 900 East Almond Ave., Suite 4)
Madera, California 93637)
14)
Physician's and Surgeon's)
15 Certificate No. A-029173)
16)
Respondent.)
17 _____)

18 Kenneth Wagstaff, the complainant herein, alleges as
19 follows:

20 1. He is the Executive Director of the Board of Medical
21 Quality Assurance of the State of California and makes and files
22 this accusation in his official capacity as such and not other-
23 wise.

24 2. On or about May 21, 1975, respondent Harold N.
25 Sheffield, M.D. (hereinafter "respondent") was issued physician's
26 and surgeon's certificate number A-029173 under the laws of the
27 State of California. Said certificate is presently in full force
28 and effect.

1 3. Section 2234 of the Business and Professions Code
2 (hereinafter the "Code") provides that the Division of Medical
3 Quality of the Board of Medical Quality Assurance shall take
4 action against a holder of a physician's and surgeon's certificate
5 who is guilty of unprofessional conduct.

6 4. Section 2234, subdivision (b), of the Code provides
7 that gross negligence constitutes unprofessional conduct.

8 5. During the time of the acts and omissions alleged
9 herein, section 2234, subdivision (c), of the Code and its pre-
10 decessor, section 2361 of the Code, provided that repeated similar
11 negligent acts constituted unprofessional conduct.

12 6. Respondent is subject to disciplinary action pur-
13 suant to section 2234 of the Code in that he is guilty of unpro-
14 fessional conduct within the meaning of section 2234, subdivision
15 (b), of the Code in that he is guilty of gross negligence as
16 more particularly alleged hereinafter:

17 A. On or about February 22, 1980, respondent treated
18 Ambrocio S. for a foreign body in the patient's right eye.

19 B. On that date, respondent observed a small laceration
20 on the upper conjunctiva of the patient's right eye, washed out
21 the patient's eye, and administered Cortisporin and Gantrisin
22 drops. A subsequent examination of the patient by another
23 physician on February 24, 1980, revealed that Ambrocio S. had a
24 intra-ocular foreign body in his right eye.

25 Respondent was grossly negligent in the treatment of
26 Ambrocio S. in that on or about February 22, 1980:

27 ///

1 (1) He failed to obtain an adequate history regarding
2 the events leading to the patient's injury.

3 (2) He did not determine the patient's visual acuity.

4 (3) He did not examine the patient's pupil reaction
5 or size, lens clarity, anterior chamber and fundi.

6 (4) He failed to advise the patient as to what steps
7 should be taken if the symptoms worsened prior to revisit.

8 7. Respondent is subject to disciplinary action pur-
9 suant to section 2234, subdivision (c), of the Code in that he
10 committed repeated similar negligent acts as more particularly
11 alleged hereinafter:

12 A. Paragraphs 6A through 6C hereinabove are incor-
13 porated herein by reference as though fully set forth at this
14 point.

15 B(1) On or about March 11, 1983, respondent saw
16 Cynthia S. On said date, she told respondent that she had
17 fainted the day before, and had hit her nose and head on the
18 floor.

19 (2) On or about March 11, 1983, respondent obtained
20 a brief history from the patient and conducted a limited physical
21 examination.

22 C. Respondent was negligent in the treatment of
23 Cynthia S. in that his history and physical examination of the
24 patient were inadequate.

25 D. In the foregoing two cases, respondent committed
26 repeated similar negligent acts in that he failed in both cases to
27 obtain adequate histories and perform adequate examinations of
28 said patients.

1 WHEREFORE, complainant prays that the Division of
2 Medical Quality hold a hearing on the matters alleged herein
3 and following said hearing issue a decision:

4 1. Suspending or revoking the physicians' and
5 surgeon's certificate issued to Harold N. Sheffield, M.D.; and

6 2. Taking such other and further action as may be
7 proper.

8 DATED: January 22, 1985

9
10 KENNETH WAGSTAFF
11 Executive Director
12 Board of Medical Quality Assurance
13 Department of Consumer Affairs
14 State of California

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27 Complainant

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